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E-Filed on December 14, 2009

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:	)	Chapter 13
	)	Case No. 09-12832-mkn
<b>SCOTT W. LITTLEFIELD</b>	)	
<b>REGINA L. LITTLEFIELD</b>	)	
	)	
Debtor(s).	)	DATE: 12/30/09
	)	TIME: 10:30 a.m.

**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, the Debtors, SCOTT W. LITTLEFIELD and REGINA L. LITTLEFIELD, by and through their attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and respectfully request this Court to deny the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by WELLS FARGO BANK NA, by and through its attorneys, GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

**POINTS AND AUTHORITIES**

11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition stay

"for cause, including the lack of adequate protection of an interest in property of such party in interest;---

11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

"with respect to a stay of an act against property under subsection (a) of this section, if-

(A) the debtor does not have an equity in such property AND

(B) such property is not necessary to an effective reorganization

**STATEMENT OF FACTS**

Debtors' property has liens of approximately \$288,618.19 for the property located at 5183 Outline Avenue, Las Vegas, NV 89142, and the home is necessary for an effective reorganization. Debtors believe that they may have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtors acknowledge that if they are late on the post petition mortgage payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors' intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtors request that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK  
NARRAH F. NEWARK, ESQ.  
NB#008201  
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION  
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on December 14, 2009, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the  
OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

Wells Fargo Bank NA  
c/o Greg Wilde, Esq.  
Wilde & Associates  
208 S. Jones  
Las Vegas, NV 89107  
**VIA FACSIMILE & ECF**

Rick Yarnall, Trustee  
701 E. Bridger #820  
Las Vegas, NV 89101  
**VIA ECF**

Scott and Regina Littlefield  
5183 Outline Ave.  
Las Vegas, NV 89142

/s/ Betsy L. Smith  
An employee of NEWARK & NEWARK LAW FIRM

**\*\* SECTION 362 INFORMATION SHEET \*\***

Scott Littlefield and Regina Littlefield  
DEBTOR NV362#

Chapter 13  
Case No.: 09-12832-mkn

Wells Fargo Bank, N.A.  
MOVANT

PROPERTY INVOLVED IN THIS MOTION: 5183 Outline Avenue, Las Vegas NV 89142

NOTICE SERVED ON: Debtor(s) ☒ : Debtor(s) Counsel ☒ : Trustee ☒

DATE OF SERVICE: \_\_\_\_\_

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1<sup>st</sup> Wells Fargo Bank, N.A. (PB \$288,618.19)

Taxes - Clark County Treasurer (PB \$500.00)

Total Encumbrances: \$289,018.19

APPRAISAL or OPINION as to VALUE:

"Per attached Schedule "A" \$165,000.00

TERMS OF MOVANT'S CONTRACT  
WITH THE DEBTOR

Amount of Note: \$288,000.00

Interest Rate: 5.9500000000000002

Duration: 30 Year

Payment Per Month: \$ 2,051.56

Date of Default: October 1, 2009

Amount of Arrearages: \$7,225.61

Date of Notice of Default: November 17, 2008

SPECIAL CIRCUMSTANCES: I, Gregory L.

Wilde, hereby certify that an attempt has been made to confer with debtor(s) counsel, or with debtor(s) and that more than two (2) business days have expired, and that after sincere effort to do so, counsel has been unable to resolve this matter without court action.

SUBMITTED BY: \_\_\_\_\_

SIGNATURE: *G. Wilde*

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1<sup>st</sup> *288,618.19*  
2<sup>nd</sup> *No claim filed CCTreasurer*  
Total Encumbrances: \$ *288,618.19*

APPRAISAL or OPINION as to VALUE:

*165,000.00*

OFFER OF "ADEQUATE

PROTECTION" FOR MOVANT:

*No start regular payments  
1-1-10  
Arrears over 6 start  
1-20-10*

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: *Nancy Newmans*

SIGNATURE: *Nancy Newmans*